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Attorneys for Defendant CREDIT REGULATING SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,

Plaintiff,

v.

JEAN ZEDLITZ,

Defendant.

Case No.: C 08-01803 JSW

**DEFENDANT CREDIT REGULATING
SERVICES, INC.'S NOTICE OF MOTION
AND MOTION TO DISMISS PURSUANT TO
FRCP 12(b)(6)**

DATE: November 7, 2008
TIME: 9:00 a.m.
DEPT: Hon. Jeffrey S. White
Courtroom 2, 17th Floor

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 7, 2008, at 9:00 a.m., in Courtroom 2, 17th Floor of the United States District Court at 450 Golden Gate Avenue, San Francisco, California, defendant Credit Regulating Services, Inc. will move the court for an order pursuant to Federal Rule of Civil Procedure ("FRCP") 12(b)(6)" granting dismissal of the "Amend Complaint Section 1983 to Add Credit Regulating Services, Inc. for Damaging Good Name, Reputation and Credit Rating" filed by plaintiff on April 25, 2008.

Defendant's motion is made on the grounds that plaintiff's Complaint lacks sufficient factual allegations to support a claim of relief against Credit Regulating Services, Inc. for a violation of plaintiff's 14th Amendment rights; for a violation pursuant to 42 U.S.C. Section 1983 and other unintelligible theories of liability against defendant related to "filing a false misrepresentation of

1 material facts ... concerning the forfeiture and lien sale of [plaintiff's] vehicle ... against [plaintiff's]
2 credit rating".

3 This Motion is based on this Notice, accompanying Memorandum of Points and Authorities,
4 and the papers and records on file herein, and on such oral and documentary evidence as may be
5 presented at the hearing of the Motion.

6 Dated: July 28, 2008

7 ELLIS, COLEMAN, POIRIER, LAVOIE, &
8 STEINHEIMER LLP

9 By /s/ Michele Raley
10 Michele Raley
11 Attorney for Defendant
12 CREDIT REGULATING SERVICES, INC.
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CERTIFICATE OF SERVICE

I, Jennifer E. Mueller, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On July 28, 2008, I served the following document(s) on the parties in the within action:

**DEFENDANT CREDIT REGULATING SERVICES, INC.'S NOTICE OF MOTION AND
MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6)**

X

BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:

William J. Whitsitt
335 W. Clover Road
Tracy, CA 95376

Attorneys for
In Propria Persona

X

VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:

Diane Carlotta Graydon
Office of the County Counsel,
County of Alameda
1221 Oak Street, Suite 450
Oakland, CA 94612

Attorneys for
Defendant Jean Zedlitz

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on July 28, 2008.

By 

Jennifer E. Mueller

June D. Coleman - 191890
Michele Raley - 173497
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,

Plaintiff,

v.

JEAN ZEDLITZ,

Defendant.

Case No.: C 08-01803 JSW

**[PROPOSED] ORDER GRANTING
DEFENDANT CREDIT REGULATING
SERVICES, INC.'S MOTION TO DISMISS
WITH PREJUDICE**

DATE: November 7, 2008
TIME: 9:00 a.m.
DEPT: Hon. Jeffrey S. White
Courtroom 2, 17th Floor

Defendant Credit Regulating Services, Inc. moved to dismiss the above-referenced action and all causes of action therein, pursuant to FRCP 12(b)(6). Plaintiff William J. Whitsitt did not appear/did appear; Michele Raley appeared on behalf of Defendant Credit Regulating Services, Inc.

The Court having considered Credit Regulating Services, Inc.'s Motion and the Points and Authorities supporting its motion, as well as all other documents filed in relation to this Motion, and having heard the argument of counsel, and, orders as follows:

IT IS HEREBY ORDERED that plaintiff's operative complaint against Credit Regulating Services, Inc. is dismissed, in its entirety, with prejudice.

Dated: _____

By: _____
Jeffrey S. White
United States Judge
Northern District of California

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[PROPOSED] ORDER GRANTING DEFENDANT CREDIT REGULATING SERVICES,
INC.'S MOTION TO DISMISS WITH PREJUDICE

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By 

Jennifer E. Mueller